

## CHAPTER 265

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 06-073**

BY SENATOR(S) Tapia, Bacon, Fitz-Gerald, Gordon, Groff, Sandoval, Shaffer, Tochtrop, Tupa, Veiga, Williams, Windels, Grossman, and Jones;  
also REPRESENTATIVE(S) Merrifield, Coleman, Green, Paccione, and Todd.

**AN ACT****CONCERNING THE AGE SPECIFICATIONS RELATING TO COMPULSORY SCHOOL ATTENDANCE.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly hereby declares that:

(a) Colorado children at least seven years of age and less than seventeen years of age shall be required to attend school;

(b) Students who are being instructed under a nonpublic home-based educational program pursuant to section 22-33-104.5, C.R.S., shall not be subject to the minimum age requirement for compulsory school attendance and, so long as such students continue to be instructed under a nonpublic home-based educational program, shall not be subject to the maximum age requirement for compulsory school attendance; and

(c) The provisions in section 22-33-104, C.R.S., concerning the minimum and maximum ages for compulsory school attendance shall not apply to a child who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance.

**SECTION 2.** 22-33-104 (1), (1.5), and (5) (a), Colorado Revised Statutes, are amended to read:

**22-33-104. Compulsory school attendance.** (1) (a) Except as otherwise provided in subsection (2) of this section, every child who has attained the age of seven years and is under the age of ~~sixteen~~ SEVENTEEN years, except as provided by

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

this section, shall attend public school for at least THE FOLLOWING NUMBER OF HOURS DURING EACH SCHOOL YEAR:

(I) One thousand fifty-six hours if a secondary school pupil; ~~or~~

(II) Nine hundred sixty-eight hours if an elementary school pupil ~~during each school year; except that in no case shall~~ IN A GRADE OTHER THAN KINDERGARTEN;

(III) NINE HUNDRED HOURS IF A FULL-DAY KINDERGARTEN PUPIL; OR

(IV) FOUR HUNDRED FIFTY HOURS IF A HALF-DAY KINDERGARTEN PUPIL.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), a school or schools SHALL NOT be in session for fewer than one hundred sixty days without the specific prior approval of the commissioner of education.

(c) A student who participates in an on-line program pursuant to the provisions of section 22-33-104.6 shall be deemed to attend school in accordance with the requirements of this subsection (1).

~~(1.5) Notwithstanding the provisions of subsection (1) of this section and any other provision of this article relating to compulsory school attendance, the compulsory school attendance laws apply to a six-year-old child who has been enrolled in a public school in the first grade or in a higher grade level. In such circumstances, the courts may issue orders to compel compliance with the compulsory school attendance requirements of this article. However, this subsection (1.5) shall not apply to a six-year-old child whose parent or legal guardian chooses to withdraw such child.~~

(5) (a) The general assembly hereby declares that two of the most important factors in ensuring a child's educational development are parental involvement and parental responsibility. The general assembly further declares that it is the obligation of every parent to ensure that every child under such parent's care and supervision receives adequate education and training. Therefore, every parent of a child who has attained the age of seven years and is under the age of ~~sixteen~~ SEVENTEEN years shall ensure that such child attends the public school in which such child is enrolled in compliance with this section.

**SECTION 3.** 22-33-104.6 (4) (a) (II), Colorado Revised Statutes, is amended, and the said 22-33-104.6 (4) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**22-33-104.6. On-line program - legislative declaration - authorized - definitions.** (4) **Funding.** (a) For the 2003-04 budget year and for each budget year thereafter, except as otherwise provided in subsection (5) of this section, a school district, for purposes of determining total program funding under the "Public School Finance Act of 1994", article 54 of this title, may not count a student in the school district's on-line pupil enrollment who enrolls in or transfers to an on-line program within the school district, unless:

(II) The student, in the preceding school year, was not enrolled in any private

school, did not participate in a nonpublic home-based education program, and did not participate in home instruction by a licensed or certified teacher; OR

(III) THE STUDENT IS ENROLLING IN KINDERGARTEN OR FIRST GRADE IN AN ON-LINE PROGRAM.

**SECTION 4.** 22-33-104.5 (3) (e), Colorado Revised Statutes, is amended to read:

**22-33-104.5. Home-based education - legislative declaration - definitions - guidelines.** (3) The following guidelines shall apply to a nonpublic home-based educational program:

(e) Any parent establishing a nonpublic home-based educational program shall provide written notification of the establishment of said program to a school district within the state fourteen days prior to the establishment of said program and each year thereafter if the program is maintained. The parent in charge and in control of a nonpublic home-based educational program shall certify, in writing, only a statement containing the name, age, place of residence, and number of hours of attendance of each child enrolled in said program. NOTWITHSTANDING THE PROVISIONS OF SECTION 22-33-104 (1), A PARENT WHO INTENDS TO ESTABLISH A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM IS NOT REQUIRED TO ESTABLISH NOR TO PROVIDE WRITTEN NOTIFICATION OF SAID PROGRAM TO A SCHOOL DISTRICT WITHIN THE STATE UNTIL THE PARENT'S CHILD IS SEVEN YEARS OF AGE, NOR IS THE PARENT REQUIRED TO CONTINUE THE PROGRAM OR PROVIDE THE NOTIFICATION AFTER THE CHILD IS SIXTEEN YEARS OF AGE.

**SECTION 5.** 22-33-107 (3) (a), Colorado Revised Statutes, is amended to read:

**22-33-107. Enforcement of compulsory school attendance.** (3) (a) As used in this subsection (3), a child who is "habitually truant" means a child who has attained the age of seven years and is under the age of ~~sixteen~~ SEVENTEEN years having four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year. Absences due to suspension or expulsion of a child shall be considered excused absences for purposes of this subsection (3).

**SECTION 6.** 22-2-124 (2) (c) (I), Colorado Revised Statutes, is amended to read:

**22-2-124. Family literacy education grant program - rule-making - repeal.** (2) As used in this section, unless the context otherwise requires:

(c) "Eligible adult" means a person who meets the following criteria:

(I) Is at least ~~sixteen~~ SEVENTEEN years of age;

**SECTION 7.** 22-52-102 (1), Colorado Revised Statutes, is amended to read:

**22-52-102. Eligible students.** (1) In order to be eligible to participate in the second chance program, a child shall be a dropout between ~~sixteen~~ SEVENTEEN and

twenty-one years of age who has been recommended for participation in the program by his OR HER school district of residence with the concurrence of the child, ~~his~~ THE CHILD'S parent, and the receiving district; but no such child shall be eligible to participate in the second chance program if he OR SHE has achieved a high school diploma or its equivalent.

**SECTION 8.** 23-1-119 (4), Colorado Revised Statutes, is amended to read:

**23-1-119. Commission directive - transition between K-12 education system and postsecondary education system.** (4) For purposes of this section, "postsecondary" means related to instruction of students over the age of ~~sixteen~~ SEVENTEEN years who are not enrolled in a regular program of kindergarten through grade twelve in a public, independent, or parochial school.

**SECTION 9.** 23-20-131, Colorado Revised Statutes, is amended to read:

**23-20-131. Free pupil from each county.** Each county is entitled to send one pupil under the age of ~~sixteen~~ SEVENTEEN years to said university, tuition free, said pupil to be selected by competitive examination before the county superintendent of such county and given to the highest scholarship.

**SECTION 10.** 23-60-103 (3), Colorado Revised Statutes, is amended to read:

**23-60-103. Definitions.** As used in this article, unless the context otherwise requires:

(3) "Postsecondary" means related to instruction of students over the age of ~~sixteen~~ SEVENTEEN years who are not enrolled in a regular program of kindergarten through grade twelve in a public, independent, or parochial school.

**SECTION 11. Effective date.** This act shall take effect July 1, 2007.

**SECTION 12. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 26, 2006